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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,411	12/29/2003	Paula M. Sosalla	19,682	7552

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KIMBERLY-CLARK WORLDWIDE, INC.
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EXAMINER

HAND, MELANIE JO

ART UNIT	PAPER NUMBER
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3761

MAIL DATE	DELIVERY MODE
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04/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/748,411

Applicant(s)

SOSALLA ET AL.

Examiner

Melanie J. Hand

Art. Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed February 6, 2007 have been fully considered but they are not persuasive.

With respect to applicant's arguments regarding the prior art of Erdman: With respect to independent claims 1, 18, 19 and 24, Applicant argues that Erdman does not teach at least one interior graphic disposed on an interior article surface. Applicant is referred to paragraph 0034 of Erdman where Erdman teaches that alternatively, active graphics may be disposed such that they are visible through the inner lining, on another layer above the absorbent core that defines an interior article surface. insofar as the layer is not an exterior layer defining an exterior surface of the article (i.e. the outer cover).

With respect to applicant's arguments regarding the rejections under 35 U.S.C. 103: Applicant's arguments are based upon arguments presented with respect to the rejections under 35 U.S.C. 102 which have been addressed *supra*

Applicants' arguments with regard to dependent claims 2-17 and 19-23 have been fully considered but are not persuasive as Applicants' arguments depend entirely on Applicants' arguments regarding the rejection of claims 1, 18 and 24 under 35 U.S.C. 102 which have been addressed *supra*.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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Claims 1-9, 12 and 14-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Erdman (U.S. Patent Application Publication No. 2004/0064113).

With respect to **claim 1**: Erdman teaches an absorbent article 10 defining a longitudinal direction and a lateral direction, an interior article surface and an exterior article surface opposite said interior article surface, said article 10 comprising: an outercover 12 defining an interior outercover surface, and an exterior outercover surface opposite said interior outercover surface (§0040); an absorbent body 16 disposed on said interior outercover surface (§0040); and at least one interior graphic disposed on said interior article surface, wherein said at least one interior graphic is an active graphic. (§§0037,0040)

With respect to **claim 2**: The active interior graphic is a fading graphic. (§0037)

With respect to **claim 3**: The active interior graphic is an appearing graphic. (§0037)

With respect to **claim 4**: Article 10 further comprises a bodyside liner 14 placed in superposed relationship with said interior outercover surface, wherein said absorbent body 16 is sandwiched between said outercover 12 and said bodyside liner 14, and wherein said interior article surface is provided at least in part by said bodyside liner 14. (§0040)

With respect to **claim 5**: The bodyside liner 14 defines an interior liner surface and an exterior liner surface opposite said interior liner surface, and wherein said interior graphic is applied on said exterior liner surface. (§0015)

With respect to **claim 6**: Article 10 further comprises an interior graphic layer 20 sandwiched between said absorbent body 16 and said bodyside liner 14, and wherein said interior graphic is applied on said graphic layer 20. (Fig. 2, ¶¶0015,0040)

With respect to **claim 7**: The interior graphic layer 20 is a surge layer. (¶0073)

With respect to **claim 8**: Article 10 further defines a front waist edge 204, a back waist edge 204, and an article length in said longitudinal direction. At least one interior graphic is positioned between the outercover 12 and core 16, thus said interior graphic is spaced from said front waist edge in said longitudinal direction by between 25% and 50% of said article length. (Fig. 2, ¶¶0014,0044)

With respect to **claim 9**: Article 10 further defines a front waist edge 204, a back waist edge 204, and an article length in said longitudinal direction. At least one interior graphic is positioned between the outercover 12 and core 16, thus said interior graphic is spaced from said front waist edge in said longitudinal direction by between 35% and 60% of said article length. (Fig. 2, ¶¶0014,0044)

With respect to **claim 12**: Article 10 further comprises a plurality of interior graphics. (¶0013)

With respect to **claim 14**: Article 10 further comprising at least one exterior graphic disposed on said exterior article surface. (Fig. 3b, ¶¶0013,0015,0037)

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With respect to **claim 15**: The at least one exterior graphic comprises a plurality of exterior graphics, and wherein at least one of said plurality of exterior graphics is an active graphic. (Fig. 3b, ¶¶0013,0015,0037)

With respect to **claim 16**: The active exterior graphic is a fading graphic. (¶¶0013,0015,0037)

With respect to **claim 17**: The at least one exterior graphic defines an exterior graphic theme, and wherein said interior graphic is related to said exterior graphic theme. (¶0102)

With respect to **claim 18**: Erdman teaches an absorbent article 10 defining a longitudinal direction and a lateral direction, an interior article surface and an exterior article surface opposite said interior article surface, said article comprising: an outercover 12; a bodyside liner 14 placed in superposed relationship with said outercover 12; an absorbent body 16 sandwiched between said outercover 12 and said bodyside liner 14, said outercover 12 disposed toward said exterior article surface and said bodyside liner 14 disposed toward said interior article surface; and at least one interior graphic disposed on said interior article surface, wherein said at least one interior graphic is a fading graphic. (¶¶0037,0040)

With respect to **claim 19**: Erdman teaches an absorbent article 10 defining a longitudinal direction and a lateral direction, an interior article surface and an exterior article surface opposite said interior article surface, a first waist region 242, a second waist region 244, and a crotch region 222 connecting the first and second waist regions 242,244, said article 10 comprising: side panels extending from and connecting said first and second waist regions 242,244 in a pant configuration to form a waist opening and a pair of leg openings

(¶¶0044,0053); an outercover 12 defining an interior outercover surface, and an exterior outercover surface opposite said interior outercover surface; an absorbent body 16 disposed on said interior outercover surface (Fig. 2); and at least one interior graphic disposed on said interior article surface, wherein said at least one interior graphic is an active graphic. (¶0037)

With respect to **claim 20**: The active interior graphic is a fading graphic. (¶0037)

With respect to **claim 21**: Article 10 comprises a bodyside liner 14 placed in superposed relationship with said interior outercover surface, wherein said absorbent body 16 is sandwiched between said outercover 12 and said bodyside liner 14, and wherein said interior article surface is provided at least in part by said bodyside liner 14. (Fig. 2, ¶0040)

With respect to **claim 22**: Bodyside liner 14 defines an interior liner surface and an exterior liner surface, and wherein said interior graphic is applied on said exterior liner surface. (¶0015)

With respect to **claim 23**: Article 10 further comprises an interior graphic layer 20 sandwiched between said absorbent body 16 and said bodyside liner 14, and wherein said interior graphic is applied on said graphic layer 20. (Fig. 2, ¶¶0015,0040)

With respect to **claim 24**: Erdman teaches article 10 defining an interior article surface and an exterior article surface opposite said interior article surface, said article 10 comprising: an outercover 12 defining an interior outercover surface, and an exterior outercover surface opposite said interior outercover surface; and at least one interior graphic disposed on said interior article surface, wherein said at least one interior graphic is an active graphic. (¶0015)

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 10, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erdman ('113).

With respect to **claim 10**: The at least one interior graphic defining a total interior graphic area. Erdman does not teach that said total interior graphic area is at least 25 square cm. The total graphic area is a result effective variable because the graphics indicate the presence of urine, and thus more graphics would indicate a wider urine insult area. Applicant has not established sufficient criticality for such a total graphic area value thus it would be obvious to one of ordinary skill in the art to modify the at least one interior graphic taught by Edrman so as to have a total graphic area of at least 25 square cm. It has been held that where general conditions of claim are disclosed in prior art, it is not inventive to discover optimum or workable ranges by routine experimentation. See *In re Aller*, Lacey and Hall (105 USPQ 233, CCPA, 1955).

With respect to **claims 11,13**: The at least one interior graphic defines a total graphic area. Erdman does not teach that said total interior graphic area is at least 45 square cm. The total graphic area is a result effective variable because the graphics indicate the presence of urine, and thus more graphics would indicate a wider urine insult area. Applicant has not established sufficient criticality for such a total graphic area value thus it would be obvious to one of ordinary skill in the art to modify the at least one interior graphic taught by Edrman so as to have a total graphic area of at least 45 square cm. It has been held that where general conditions of claim

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are disclosed in prior art, it is not inventive to discover optimum or workable ranges by routine experimentation. See *In re Aller*, Lacey and Hall (105 USPQ 233, CCPA, 1955).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand
Examiner
Art Unit 3761

April 25, 2007

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Tatyana', written over the printed name and title.